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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

In the Matter of)

Advanced Television Systems and)
Their Impact upon the Existing)
Television Broadcast Service)

MM Docket No. 87-268

To: The Commission

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**PETITION FOR RECONSIDERATION
BY WICHITA LICENSE SUBSIDIARY CORP.**

Wichita License Subsidiary Corp ("WLS Corp."), by its attorneys,
hereby seeks reconsideration of the Sixth Report and Order in this proceeding.¹

WLS Corp. is the applicant for a new commercial television station at
Salina, Kansas and therefore has a significant interest in the FCC rules adopted for
allotment and assignment of digital television (DTV) channels.

WLS Corp. filed its application in September 1996 seeking authority to
construct a new television station on NTSC channel 34, which is assigned to Salina,
Kansas. 47 C.F.R. § 73.606. The application was returned on February 3, 1997 for
failure to comply with the 1987 ATV "freeze" on new television stations in the

¹ Sixth Report and Order, MM Docket No. 87-268, FCC 97-115, (rel. April 21,
1998)(Sixth R&O).

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vicinity of 30 designated television markets. *Advanced Television Systems*, Mimeo No. 4074 (rel. July 17, 1987). A timely petition for reconsideration was submitted March 5, 1997. The petition remains pending.

In the Sixth R&O, the Commission allotted DTV channel 34 to Wichita, Kansas, and to Superior, Nebraska. The attached statement of Lohnes and Culver notes that Salina is approximately 85 miles from both Wichita and Superior, where DTV operation on channel 34 would be incompatible with the proposed NTSC operation at Salina. The Wichita and Superior allotments were made, it is clear, without taking into account the fact that WLS Corp.'s reconsideration petition was still pending.

To resolve the conflicts posed by these co-channel allotments, Lohnes and Culver has undertaken a study, based on currently-known information, of alternative channel availabilities. Its analysis concludes that DTV channel 31 may be substituted for channel 34 in Wichita and DTV channel 41 may be substituted for channel 34 in Superior. These changes are therefore requested in order that NTSC operation on channel 34 may be preserved in Salina. Moreover, Lohnes and Culver has determined that DTV channel 36 is available and may be paired with NTSC channel 34 in Salina. This allotment should similarly be made at such time as WLS Corp.'s Salina reconsideration petition and channel 34 application are granted.

As demonstrated in the WLS Corp. application and the pending reconsideration petition, the proposed NTSC channel 34 station will provide thousands of residents in the Salina area with a second full-service television signal.

The channel substitutions proposed herein will assure that that service continues into the digital age.

Respectfully submitted,

WICHITA LICENSE SUBSIDIARY CORP.

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June 13, 1997

**EXHIBIT E
ENGINEERING STATEMENT
IN SUPPORT OF A PETITION
FOR RECONSIDERATION OF THE
SIXTH REPORT AND ORDER
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**Prepared by
Lohnes and Culver Washington, D.C.
June, 1997**

**EXHIBIT E
ENGINEERING STATEMENT
IN SUPPORT OF A PETITION
FOR RECONSIDERATION OF THE
SIXTH REPORT AND ORDER
IN MM DOCKET NO. 87-268**

INTRODUCTION

This statement was prepared on behalf of Wichita License Subsidiary Corp., ("WLS Corp."), applicant for a new television broadcast station to operate on Channel 34 at Salina, Kansas. Channel 34 is assigned to Salina in the Table of Allotments Section 73.606(b) of the Commission's Rules. This statement supplies technical information in support of a Petition for Reconsideration of the Sixth Report and Order in Docket 87-268 with specific reference to Appendix B, the DTV Table of Allotments.

The WLS Corp., application for Channel 34 at Salina was filed in September of 1996 but due to its proximity to the Kansas City, MO., "freeze zone" the application was returned by Commission letter dated February 3, 1997. A Petition for Reconsideration including a request for reinstatement of the application was timely filed and is pending at the Commission.

NTSC AND DTV ALLOTMENTS

Channels 18, 34 and 44 are the NTSC assignments to Salina, KS., in the Table of Allotments, Section 73.606(b) of the Commission's Rules. Channel 18 is occupied by the licensed operation of television broadcast station KAAS-TV, WLS Corp., has applied for a construction permit for Channel 34 and Channel 44 is a vacant allotment.

The Sixth Report and Order in Docket 87-268 contains a DTV allotment plan that provides a DTV assignment pairing with all analog stations. A DTV allotment is paired with the Channel 18 operation in Salina, KS., but no DTV allotment was made for analog Channel 34 that has been applied for by WLS Corp.

A further examination of the DTV Table of Allotments shows that DTV Channel 34 has been allotted to Wichita, KS., and to Superior, NE., communities that are both approximately 85 miles removed from Salina, KS. The two Channel 34 DTV allotments at Wichita, KS. and Superior, NE., were obviously made, absent any recognition of the analog allotment of Channel 34 at Salina. In view of the incompatibility of the analog Channel 34 allotment at Salina, KS. and the DTV Channel 34 allotments at Wichita and Superior, studies were conducted by the undersigned to find alternate DTV channels for Wichita and Superior.

The exact technical parameters employed by the Commission in making the DTV allotments establishing Appendix B of the Sixth Report and Order have not been released to the industry, however, based on co-channel and adjacent channel separations, optional UHF channels are available for DTV assignments to Wichita and Superior in lieu of the assigned Channel 34 allotments. Based on an analysis of the NTSC and DTV Allotment Tables, Channel 31 is available for DTV in Wichita and Channel 41 is available for DTV in Superior. We respectfully request that Channels 31 and 41 be substituted for Channel 34 in Wichita and Superior respectively, which will

continue the availability of analog Channel 34 at Salina, KS. Additional studies indicate that Channel 36 is available for DTV assignment to Salina.

As previously stated, the complete technical parameters employed by the Commission in creating Appendix B, the DTV Table of Allotments, are not yet available but based on the analysis described above alternate DTV channels are available for Wichita and Superior and a DTV channel is available for Salina. These modifications to the DTV Table will permit the continuation of analog Channel 34 at Salina providing a second local television service to the market rather than reducing Salina to a one station television market that will result if the DTV Channel 34 allotments to Wichita, KS. and Superior, NE. are retained as proposed in the DTV Table of Allotments in the Sixth Report and Order.

Respectfully submitted,
LOHNES AND CULVER



Frederick D. Veihmeyer

June, 1997